

## **DEVELOPMENT REVIEW COMMITTEE**

**Tuesday, January 28, 2014**

### **MEETING MINUTES**

The Monroe County Development Review Committee conducted a meeting on **Tuesday, January 28, 2014**, beginning at 1:01 p.m. at the Marathon Government Center, Media & Conference Room (1<sup>st</sup> floor, rear hallway), 2798 Overseas Highway, Marathon, Florida.

#### **CALL TO ORDER**

**ROLL CALL** by Gail Creech

#### **DRC MEMBERS**

|  |         |
|--|---------|
| Townsley Schwab, Senior Director of Planning and Environmental Resources | Absent  |
| Mike Roberts, Sr. Administrator, Environmental Resources                 | Present |
| Joe Haberman, Planning & Development Review Manager                      | Present |
| Timmy Leonard, Assistant Fire Marshal, Fire Prevention                   | Present |

#### **STAFF**

|   |         |
|---|---------|
| Mayte Santamaria, Assistant Planning Director | Present |
| Steve Williams, Assistant County Attorney     | Present |
| Mitch Harvey, Comprehensive Plan Manager      | Present |
| Judith Clark, Director of Engineering         | Present |
| Matt Coyle, Planner                           | Present |
| Karl Bursa, Planner                           | Present |
| Gail Creech, Planning Commission Coordinator  | Present |

#### **CHANGES TO THE AGENDA**

Agenda Item 5 was heard as Agenda Item 1 to accommodate the public members present for that matter.

#### **MINUTES FOR APPROVAL**

Ms. Santamaria deferred approval of minutes to the next meeting.

### **MEETING**

#### **New Items:**

##### **1. Ed Lewis LLC Properties, Bayview Avenue, Mahogany Avenue, North Drive, Coconut Drive right-of-way and Largo Drive right-of-way, Key Largo, Approximate Mile Marker 95:**

A request for a minor conditional use permit for the transfer of development rights (TDRs) from 9 sender sites in the Bay Haven Subdivision in Key Largo to 1 receiver site in the Bay Haven Subdivision in Key Largo. The sender sites are legally described as Block 1, Lots 8, 17 and 18, Block 5, Lots 5 and 28, Bay Haven Section 1 (Plat Book 2, Page 28), Key Largo, Monroe County, Florida, having real estate numbers 00515910.000000, 00516000.000000, 00516010.000000,

00516450.000000, 00516680.000000, and Block 18, Lots 4, 5, 6 and 7, Bay Haven Section 4 (Plat Book 2, Page 79), Key Largo, Monroe County, Florida, having real estate numbers 00519510.000000, 00519520.000000, 00519530.000000 and 00519540.000000. The receiver site is legally described as Block 17, Lots 11, 12, 13, 14, 15, 16, 17, 18 and 19 Bay Haven Section 4 (Plat Book 2, Page 79), Key Largo, Monroe County, Florida, having real estate numbers 00519340.000000, 00519350.000000, 00519360.000000, 00519370.000000, 00519380.000000, 00519390.000000, 00519400.000000, 00519410.000000 and 00519420.000000.  
(File 27119)

(1:02 p.m.) Mr. Coyle presented the staff report. Mr. Coyle reported that there are nine sender sites that the applicant has requested to transfer development rights off of, which total about 45,000 square feet. The sites are Tier I properties zoned suburban residential and all properties have hammock on them. The receiver site is nine contiguous properties, which are viewed as one property for development, which total approximately 45,000 square feet. These sites are also Tier I properties zoned suburban residential with a future land use of residential low. These properties also contain hammock. Mr. Coyle listed the following criteria that must be met in order to transfer the development rights: The sender sites all consist of tropical hardwood hammock and meet the habitat requirements of the code; and this application does not exceed the maximum net density for the property. Staff recommended approval with two conditions: Any development on the receiver site shall comply with all requirements of the Monroe County Code; and prior to application for the building permit authorizing the development of a residential dwelling unit on the receiver site requiring a transferable development right, the sender sites shall be either dedicated to the County for conservation or placed in a conservation easement prohibiting its future development, which shall be reviewed and approved by the Planning and Environmental Resources Department prior to its recording in the official records of the County.

There were no comments or discussion from staff. Ms. Santamaria asked for public comment.

David Asdourian, neighbor and president of the Bay Harbor Association, voiced concern regarding possible attempts by the applicant to purchase one of the lots that backs up to Mr. Asdourian's neighborhood for a road to service this proposed development. Mr. Asdourian does not want his neighborhood compromised by having additional traffic.

Tim Maloney, neighbor, questioned where the access point for the property would be.

Amber Navarrete, neighbor, asked if there is going to be any mitigation for the lost habitat and who will be responsible for that. Ms. Navarrete also asked whether the cost of constructing roads to the property will be borne by taxpayers or the applicant.

Jessica Henry, neighbor, stated placement of the possible road would have to go through dense hammock and an extensive amount of hammock would be lost. Ms. Henry is concerned about all of the protected wildlife in this area.

Ms. Santamaria asked for further public comment. There was none.

Mr. Coyle informed Ms. Clark the receiver parcels about an undeveloped public right-of-way. Ms. Clark stated that traditionally a property owner would be allowed, subject to review by the County Biologist for any sensitive environment, to clear a right-of-way to have a road to their parcel. The construction of the house does not require the County to construct a road for the homeowner. Mr. Roberts noted that any clearing of hammock, whether for the residence or for the road, would be subject to mitigation requirements, which would be borne by the applicant. Ms. Clark added that should the property owner construct a road up to County standards, they can apply to the County to take over maintenance of it.

Ms. Navarrete commented that changing an undeveloped forest to a neighborhood does not seem like a minor conditional use. Ms. Santamaria clarified that the minor conditional use is actually for the transfer of density and a single-family house could be a development as of right. The property owner has to make the best choice for themselves as to where they would like to propose development and they would still have to meet all the hurdles to receive an allocation, as well as the mitigation requirements. Based on what the applicant is proposing to transfer today, one dwelling unit would be allowed, but if the applicant transferred more rights in the future he could get up to two dwelling units. There are clearing limits that the applicant would have to meet, which is 7500 square feet maximum. Any future application for building permits would have to meet the standard setback requirements.

**2.AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING THE LAND USE DISTRICT MAP OF THE MONROE COUNTY LAND DEVELOPMENT CODE FROM URBAN RESIDENTIAL MOBILE HOME (URM) TO MIXED USE (MU), FOR PROPERTY LEGALLY DESCRIBED AS BLOCK 31, LOT 17, MALONEY SUB (PLAT BOOK 1, PAGE 55), STOCK ISLAND, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00124510.000000; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE ESTATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE LAND USE DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2013-143)

(1:18 p.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this map amendment is to change the zoning from mobile home to mixed use. In 1986 this property was given an urban residential mobile home designation despite the fact there was not a mobile home on the property, so in 1997 a mixed use commercial future land use designation was given because the community had evolved and it was felt that it would no longer be beneficial to have mobile homes in that part of Stock Island. An agent for the property owner has asked the County if there was reasonable information on file to assume that maybe the County erred or inappropriately applied the URM designation on the property. Staff decided, upon looking at all the information, it would be best to zone this property mixed use, which is consistent with the comprehensive plan future land use category. Staff recommended approval. Mr. Haberman clarified that this property is Tier III and is compatible with the other properties around it, which are also mixed use.

There were no comments or discussion from staff. Ms. Santamaria asked for public comment.

Lori Thompson from Trepanier & Associates was present on behalf of the applicant, Andy Birrell, who was also present. Ms. Thompson asked about the scheduling. Mr. Haberman stated this item will probably go before the Planning Commission in February or March and then will go before the Board of County Commissioners (BOCC) in Key West or Marathon. Ms. Thompson asked if a demolition permit for the current structure can be applied for at this time. Mr. Haberman replied that is not relevant to the current application and then cautioned Ms. Thompson that there is no guarantee the current structure can be rebuilt if the subject amendment is not approved because it is currently a non-conforming use.

**3.Oceanside Marina, 5950 and 5970 Peninsular Avenue, Stock Island, Mile Marker 5:** A request for approval of an amendment to a major conditional use permit in order to redevelop the existing marina by improving the marina's facilities, construct 78 new market rate residential dwelling units, construct 5 new hotel rooms, construct a new restaurant, and carry out associated site improvements. The subject property is legally described as Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat (Plat Book 1, Page 55), also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, having real estate numbers 00127420.000000 and 00127420.000100.  
(File 2013-068)

(1:23 p.m.) Mr. Haberman presented the staff report. Mr. Haberman suggested reporting on this item by item because the applicant has made some changes already. Mr. Haberman stated that this project was already subject to a development agreement recently heard and decided by the BOCC where they conceptually approved the project, but by code it still has to go through the major conditional use process and be approved by the Planning Commission.

Bart Smith, Esq., present on behalf of the applicant, stated he has already met with Planning staff and commented that the applicant understands their concerns, but now needs to get feedback from the Fire Marshal, Engineering and Biology today. Mr. Haberman noted that Planning staff will do a full review of all the issues when looking at the site plan in more detail to make sure all the issues are addressed and informed the applicant the boardwalk needs to be added to the conditional use. Mr. Smith distributed the latest site plan and listed the changes that are illustrated on this site plan.

Mr. Leonard stated that the Fire Department's main concern is access and asked the applicant to address access at the front of the building. Mr. Smith continued to point out different areas on the site plan for Mr. Leonard. Mr. Leonard asked the applicant to make sure there are fire alarms and noted that the commercial kitchen will require fire suppression. Mr. Leonard wants to look closer into the access. Elizabeth Newland, present on behalf of the applicant, asked if Siamese connections would be allowed if the turn-around requirements could not be met. Mr. Leonard will look into that possibility. Ms. Newland informed Mr. Leonard all parking will be in lots with no parking underneath buildings. Mr. Leonard confirmed the location of the closest hydrant is sufficient. Mr. Smith will drop off a full set of plans to Mr. Leonard and asked for any comments to be e-mailed to him. Mr. Haberman pointed out that the most important comments to focus on right now would be anything that affects the site plan because this will go to the Planning Commission next month.

Ms. Clark asked about the second entrance. Ms. Newland explained that the applicant thought it would be better to have the larger vehicles coming in and out of a separate entrance from the main one if possible. Ms. Clark asked that the second entrance be shifted slightly so the connection is five feet from the property line. Mr. Haberman asked if the second entrance will be gated. Mr. Smith replied during the day the property is required to be open from dawn until dusk, so during the day they will be open and in the evening there will be a guard at the guardhouse. Noah Singh, the applicant, clarified it has not been determined whether the guardhouse will be manned or not. Mr. Leonard commented the second gated entrance will require a siren feature and 20 feet is what is required.

Mr. Roberts stated he has not had a chance to review the landscape plans submitted yesterday, but understands that most of what was talked about last week with the applicant has been addressed. Ms. Newland noted that the location of the transplanted vegetation has been added to the plan and the Class C buffer has been addressed. Ms. Newland added that 97 percent of the vegetation being used is native. Mr. Roberts concluded by stating it looks like the new site plan meets the code and the issues previously discussed, but will contact the applicant if anything further needs to be addressed.

There were no further comments on this project from staff or the applicant.

**4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 101-1, DEFINITIONS, AMENDING SECTION 130-124, HOME OCCUPATION SPECIAL USE PERMIT, REVISING THE PROVISIONS TO ADDRESS MOBILE BUSINESSES THAT ARE BASED OR OPERATED FROM RESIDENCES, REVISING THE POSTING REQUIREMENTS FOR HOME OCCUPATION SPECIAL USE PERMIT APPLICATION, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2014-001)

(1:40 p.m.) Mr. Haberman presented the staff report. Mr. Haberman reported that this text amendment is in response to a direct request from the Code Compliance Department and the Growth Management Director to address how to handle mobile businesses that are run out of a residence. This text amendment is not regulating mobile businesses in a pure sense, but just making it clear that mobile businesses need to meet the standards already in place which result in mobile businesses being invisible to neighbors outside of a truck being stored there. Some language has been changed to match up terminology. Mr. Haberman stated he will be doing a separate amendment to the section that deals with mobile businesses in the book of ordinances, which is reviewed by DRC and not by the Planning Commission. Again, the regulation of the mobile businesses will not be changed, but a reference will be put in that section that if a businesses is run out of a home, it may be subject to a home occupation permit.

There were no comments or discussion from staff.

**5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING MONROE COUNTY CODE SECTION 114-3, SURFACE WATER MANAGEMENT CRITERIA, TO REVISE THE EXEMPTION THRESHOLD FOR MAINTENANCE AND REPAIR FOR EXISTING IMPERVIOUS COVERAGE FOR COMMERCIAL SITES, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2014-009)

(1:44 p.m.) Mr. Ortiz presented the staff report. Mr. Ortiz reported that the purpose of this amendment is to clearly delineate exemptions. Mr. Ortiz has looked at other sections of code in other municipalities and has added some exemptions. Mr. Ortiz proposes having a threshold size of a single-family dwelling or a threshold size of whatever area is being disturbed. Mr. Ortiz also proposes using a cumulative total of less than 50 percent of an impervious repair of the site since 2006 for routine maintenance of projects other than single-family dwellings. 2006 is when the stormwater section of the code was last updated. Mr. Ortiz also proposes that the maintenance be certified by a licensed engineer demonstrating resurfacing will not change the site.

Mr. Roberts and Mr. Haberman suggested the language of (D)(3)(iii) be tightened up to define "project." Ms. Santamaria asked that "duplex" be defined in (D)(2). Ms. Santamaria asked why a range less than 2500 square feet to an acre was being proposed. Mr. Ortiz replied it is to delineate exactly how much square footage is being moved around to develop the footprint of the house. Mr. Roberts voiced concern that the language would exempt single-family residential dwelling units and duplexes from stormwater. Mr. Ortiz will revert the language back. Mr. Roberts pointed out that (2)(A)(i) is not consistent with the open space allowances in the land use district. Mr. Roberts commented that (2) was started to address parking repaving projects and the intent was that a certain extent of repaving would be exempt. Mr. Roberts wants to establish a threshold that allows for minor maintenance and upkeep to continue to be exempt. Ms. Clark suggested quantifying what "minor" is. Ms. Clark stated that stormwater management is a huge problem in the County. Ms. Clark feels that 50 percent is a high number, but whatever number chosen will be arbitrary. Ms. Santamaria suggested staff work together to refine this language and get advice from Engineering. Ms. Clark feels this is an important enough issue that it warrants many people with different backgrounds to give this consideration. Mr. Haberman pointed out that the Gulf of Mexico should be added to the section that references the Florida Bay and Atlantic Ocean, and also pointed out that there is leftover language that says municipalities should "within 12 months of the effective date," which should be stricken. Mr. Haberman suggested the term "single-family homes" should not be used because that term is not defined. Staff will continue to work on this particular amendment.

**6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS** AMENDING CHAPTER 118 ENVIRONMENTAL PROTECTION, CREATING SECTION 118-13 PROVIDING FOR COORDINATION WITH THE UNITED STATES FISH AND WILDLIFE SERVICE FOR FLOODPLAIN DEVELOPMENT PERMIT APPLICATIONS FOR PARCELS LOCATED IN SPECIES FOCUS AREAS OF SPECIES NOT INCLUDED IN THE PERMIT REFERRAL PROCESS; PROVIDING FOR REPEAL OF

CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.  
(File 2013-149)

(2:01 p.m.) Laurie McHargue joined the meeting. Ms. McHargue reported that this amendment is to provide a way for parcels located within these newly designated species by Fish & Wildlife to be reviewed. These are parcels that are outside of the species focus areas and the buffer areas. This is an ordinance amendment to allow for an interim review process of these parcels where the applicants would go directly to Fish & Wildlife for the review if they have a parcel within one of these designated critical habitat areas.

Ms. Santamaria stated the County has the permit referral process under Section 122 with specific maps called the species focus area and buffer areas. More work may be required on this amendment because it refers to those previous maps and not the new maps Ms. McHargue was just discussing.

There were no other comments or discussion from staff.

#### **ADJOURNMENT**

The Development Review Committee meeting was adjourned at 2:04 p.m.